

EPA General Conformity Comments – NPL Preliminary Draft EIS

Thank you for the opportunity to provide input on the preliminary Chapter 2 and 3 of the Draft Environmental Impact Statement (EIS) for the Normally Pressurized Lance (NPL) Natural Gas Development Project. We offer the following 4 comments regarding the general conformity discussion presented in the Draft EIS.

1. *General Conformity Exemptions that apply to Stationary Sources*

Referred to BLM

EPA wishes to clarify that pursuant to Wyoming's SIP-approved program, this exemption only applies to stationary emission sources that are permitted by either EPA or a federally approved state permitting program. See 40 CFR 93.153(d)(1)) which states:

“(d) Notwithstanding the other requirements of this subpart, a conformity determination is not required for the following Federal actions (or portion thereof):

(1) The portion of an action that includes major or minor new or modified **stationary sources** that require a permit under the new source review (NSR) program (Section 110(a)(2)(c) and Section 173 of the Act) or the prevention of significant deterioration program (title I, part C of the Act).”

We note that, for NSR and PSD permitting purposes, stationary sources are defined as buildings, structures, facilities or installations (see 40 CFR 51.165 for NSR and 40 CFR 52.21 for PSD). While some engines are considered stationary sources, as defined in 40 CFR 60.4219, the regulation specifically excludes nonroad engines. The engines associated with drill rigs are not generally defined as stationary sources because they are nonroad engines as stated in 40 CFR 1068.30. The exception to the nonroad engine definition in 40 CFR 1068.30 is that non-road engines which remain at a single location for more than one year are not considered non-road engines (see 40 CFR 1068.30(2)). We have attached our June 2, 2009 letter which discusses EPA's interpretation of these definitions and how they apply to drill rig engines.¹

Ex. 5 - Deliberative Process

Wyoming's SIP-approved general conformity rule (see 40 CFR 93.150 to 93.165) contains other potential exemptions and methodologies to address the general conformity requirements that BLM may wish to evaluate and consider for emissions from drill rigs. Please let us know if you would like to discuss them further.

2. *General Conformity Review Period*

¹ See attached letter from EPA to WildEarth Guardians, June 2, 2009.

Ex. 5 - Deliberative Process

3. Conformity Demonstration

Ex. 5 - Deliberative Process

4. Minor Edits and Suggestions

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